

Patent Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Marc Gianotti

Art Group: 3738

Serial No.: 09/874,609 (Prior Appl.)

Examiner: Bruce Snow
(Prior Appl.)

Serial No.: (New Appl.)

Docket No. 23,369-154

Filed:

For: Stents with Elevations at Selected Crossing Points

TRANSMITTAL

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed for filing are the following items:

1. Request for Divisional Application Under 37 CFR 1.53(b) (5 pages);
2. Divisional Application, consisting of 9 pages of specification; 9 pages of claims; 1 page of abstract and 4 sheets of drawings;
3. Copy of Declaration and Power of Attorney (signed) filed in prior application;
4. Copy of a later-filed Revocation of Prior Powers of Attorney and Power of Attorney;
5. Statement Regarding Divisional Application (3 pages);
6. Check in the amount of \$1,656.00; and
7. Return Receipt Post Card.

Statement of incorporation by reference - MPEP Section 201.06(c): The subject matter of prior application Serial No. 09/874,609 is hereby incorporated by reference in the present application.

Please charge any further fees necessitated by this correspondence, or refund any overpayment, to Deposit Account 12-0449.

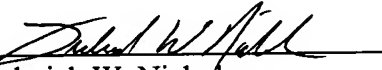


Please direct any questions or comments to Frederick W. Niebuhr at 952-896-1574.

Respectfully submitted,

Boston Scientific Scimed, Inc. (f/k/a Schneider
(USA) Inc)

Dated: September 30, 2003

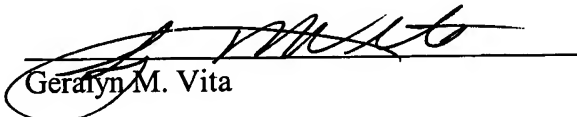
By: 
Frederick W. Niebuhr
Reg. No. 27,717
Customer No. 23,452

CERTIFICATE OF EXPRESS MAILING

Pursuant to 37 CFR 1.10, I hereby certify that this Transmittal and accompanying Request for Divisional Application, divisional application entitled "Stents with Proximal and Distal End Elevations" including 19 pages of text and 4 drawing sheets, copy of Declaration and Power of Attorney, Statement Regarding Divisional Application, and check in the amount of \$1,656.00 in payment of the filing fee, are being deposited with the U.S. Postal Service by Express Mail, Post Office to Addressee service, addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date of deposit and under the mailing label number indicated below.

Date of Deposit: September 30, 2003

Mailing Label No.: EL429981186US


Geralfyn M. Vita

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. of: Marc Gianotti

Art Unit: 3738

Serial No.: 09/874,609 (Prior Appl.)

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Atty. Docket: 23,369-154

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For: Stents with Proximal and Distal End Elevations

REQUEST FOR DIVISIONAL APPLICATION UNDER 37 CFR 1.53(b)

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir/Madam:

This is a request under 37 CFR 1.53(b) for filing a Divisional Application (divisional) of copending prior application Serial No. 09/874,609, filed June 5, 2001 as a divisional of application Serial No. 08/431,988 filed November 2, 1999 as a divisional of application Serial No. 08/993,033 (now U.S. Patent No. 5,993,483), filed December 18, 1997.

A. Application in the form intended for publication

The accompanying divisional application includes the following items:

specification (amended) - 9 pages;
claims (including new claims) - 9 pages;
abstract - 1 page;
drawings - 4 sheets; and
declaration and power of attorney (signed copy) - 2 pages.

This application does not contain any subject matter that would have been new matter in prior application Serial No. 09/874,609, which application is incorporated by reference in this application. A copy of prior application Serial No. 09/874,609 is not enclosed.

B. Amendments

The prior application is amended by canceling original claims 1-15, and by adding new claims 16-76. Accordingly, the filing fee is calculated based upon claims 16-76.

C. Title

1. The title of the original application is:

Stent and Method of Manufacturing Same

2. The title of this application is:

Stents with Proximal and Distal End Elevations

D. Identification of Inventor

1. The name and correspondence address of each original inventor:

Marc Gianotti
Schauenbergstrasse 13
CH-8542
Wiesendangen, Switzerland

2. Name and current correspondence address of each present inventor:

Marc Gianotti
Schauenbergstrasse 13
CH-8542
Wiesendangen, Switzerland

E. Inventorship

This application discloses and claims only subject matter disclosed in the prior application. The inventorship remains the same.

F. Waiver of Confidentiality

It is understood that confidentiality under 35 U.S.C. 122 is hereby waived to the extent that permitted access to any one of the applications in the file wrapper of a continuing application, be it either this application or a prior application in the same file wrapper, results in similar access to all the other applications in the same file wrapper.

G. Declaration

A copy of a Declaration and Power of Attorney is enclosed. See item A above.

H. Assignment

An assignment of the prior application was recorded in the Patent and Trademark Office May 7, 1998, on Reel 9185 beginning at Frame 0182.

I. Power of Attorney

1. The most recent power of attorney is a Revocation of Prior Powers of Attorney and Power of Attorney mailed to the PTO December 17, 1998, appointing: Luke R. Dohmen, Registration No. 36,783; Peter J. Gafner, Registration No. 36,517; Robert M. Rauker, Registration No. 40,782; Todd P. Messal, Registration No. 42,883; David L. Cavanaugh, Registration No. 36,476; Patricia LaMarche-Davis, Registration No. 37,866; Mark J. Casey, Registration No. 37,796; and William J. Shaw, Registration No. 43,111; and further appointing Frederick W. Niebuhr, Registration No. 27,717; John F. Klos, Registration No. 37,162; and Andrew D. Ryan, Registration No. 39,351 as attorneys/agents to prosecute the application and transact all business in the U.S. Patent and Trademark Office connected therewith.

A copy of this Power of Attorney is enclosed.

2. Direct all future communications regarding this application to:

Frederick W. Niebuhr
Registration No. 27,717

CUSTOMER NO. 23452

Telephone No. (952) 896-1574

J. Small Entity Status

Not applicable.

K. Drawings

Drawings (4 sheets) are enclosed.

L. Fee Calculation

CLAIMS FOR FEE CALCULATION

Basic Fee (Large entity)	\$750.00
Number of independent claims, minus 3 = 2 times \$84.00	168.00
Total number of claims in excess of 20 = 41 times \$18.00	<u>738.00</u>
Total Filing Fee	<u>\$1,656.00</u>

M. Fee Payment

A check in the amount of \$1,656.00 is enclosed to cover the filing fee.

N. Authorization Regarding Fees

The Commissioner is hereby authorized to charge any additional fees listed in 37 CFR 1.16 and 1.17 which may be required by this Rule 53 filing, or credit any overpayment, to Deposit Account No. 12-0449.

O. Petition for Suspension of Prosecution for the Time Necessary to File an Amendment

Not applicable.

P. Priority - 35 U.S.C. 119

The original application claims priority based on European application No. 97202152, filed July 17, 1997.

Q. Reference to Prior Application(s) - 35 U.S.C. 120

Amend the specification by inserting before the first line, the sentence: -- This is a divisional of copending prior application Serial No. 09/874,609, filed June 5, 2001 as a divisional of application Serial No. 09/431,988 (now U.S. Patent No. 6,240,978), filed November 2, 1999 as a divisional of application Serial No. 08/993,033 (now U.S. Patent No. 5,993,483), filed December 18, 1997.

See Item S below as to copendency.

R. Petition for Extension of Time in Prior Application

Not applicable.

S. Copendency of Applications

The prior application has been allowed and the issue fee has been paid.

The prior application is expected to issue in due course. Please assign to this divisional application a filing date to insure its copendency with the prior application.

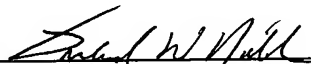
T. Information Disclosure Statement

No Information Disclosure Statement is being filed at this time.

Respectfully submitted,

Boston Scientific Scimed, Inc. (f/k/a Schneider (USA) Inc)

Dated: September 30, 2003

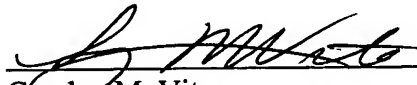
By: 
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Customer No. 23,452

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GERALYN M. Vita

Mailing Label No.: EL429981186US

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(Prior Appl.)

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For: **Stents with Proximal and Distal End Elevations**

STATEMENT REGARDING DIVISIONAL APPLICATION

**Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

Applicant requests examination of the enclosed specification, claims, abstract and drawings of the application submitted in the form preferred for publication. The enclosed application incorporates the following amendments of the prior application:

In the Specification:

On pages 1 and 19, the title is changed from “Stent and Method of Manufacturing Same” in the original application, to --Stents with Proximal and Distal End Elevations--.

Also on page 1, after the first full paragraph, the following additional paragraph is inserted:

This is a divisional of copending prior application Serial No. 09/874,609, filed June 5, 2001 as a divisional of application Serial No. 09/431,988 (now U.S. Patent No. 6,240,978), filed November 2, 1999 as a divisional of application Serial No. 08/993,033 (now U.S. Patent No. 5,993,483), filed December 18, 1997.

On several pages in the specification, the word “pattern” or “patterns” is inserted to further clarify the distinction between individual elevations, and patterns formed by the elevations. The additions occur at the following locations: page 4 at lines 16 and 17; page 6 at line 17; page 7 at lines 16, 18 and 25; and page 8 at lines 19, 21, 26 and 28.

On page 6 at line 19, a reference character is changed from “3” to --2-- for consistency with the drawings, particularly Figure 1.

On page 6 beginning at line 1, the specification is amended to introduce new drawing figures 6 and 7.

Finally, amendments on pages 3-5 and 7-8 are intended to correct grammatical and typographical errors.

On page 8 beginning at line 1, a paragraph is inserted to briefly describe figures 6 and 7.

In the Claims:

Claims 1-15 are cancelled.

Claims 16-76 are added.

In the Drawings:

The first two sheets of drawings are the same as those submitted in the original application. A third sheet (Figure 6) is the same as that added to the prior application. A fourth sheet shows new Figure 7.

REMARKS

It is respectfully submitted that additional drawing figures 6 and 7, and the additional text relating to these figures, do not add new matter. With reference to the enclosed specification, the last paragraph on page 3 (beginning at line 27) refers to a more dense distribution of the elevations at the proximal and distal ends of the stent. Further, the specification on page 7, beginning at line 11, refers to providing an annular pattern of elevations 12 near the proximal and distal ends 4 and 5 of the stent, to reduce the debraiding tendency of the wires. It is submitted that this fully supports drawing figures 6 and 7, and the accompanying text briefly describing these figures.

Consideration of claims 16-76 on the merits is respectfully requested.

Respectfully submitted,

Boston Scientific Scimed, Inc. (f/k/a Schneider (USA)
Inc)

Dated: September 30, 2003

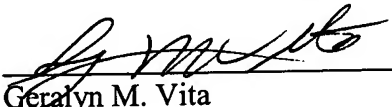
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